REMARKS

Claims 1-12 remain pending in the application. Claims 1-12 are rejected over cited prior art references. Applicant amends claims 1 and 7 and respectfully requests reconsideration and allowance of all pending claims.

Discussion of Rejections Under 35 U.S.C. §103

Discussion of Kahn

Claims 1-3 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,754,509 to Khan et al. (hereinafter Khan).

Kahn is disqualified as prior art under 35 U.S.C. §103(c). Kahn was assigned to Qualcomm Incorporated in an assignment recorded May 15, 2000 with the USPTO at reel 010797 and frame 0083.

The invention of the present application was subject to an obligation of assignment to the same assignee, and was assigned to Qualcomm Incorporated in an assignment recorded March 14, 2002 with the USPTO at reel 012733 and frame 0668.

U.S. Patent Application No. 10/032,952 ("the '952 application") and U.S. Patent No. 6,754,509 to Kahn et al. were, at the time the invention of the 952 application was made, owned by Qualcomm Incorporated or subject to an obligation of assignment to Qualcomm Incorporated.

Kahn is disqualified as a prior art reference against the claimed invention. Applicant respectfully requests withdrawal of the rejections based on Kahn.

Discussion of Guterman and Nguyen

Claims 1-12 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 20030008690 to Guterman et al. (hereinafter Guterman) in view of U.S. Patent No.6,920,572 to Nguyen et al. (hereinafter Nguyen).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art reference, or references when combined, must teach or suggest all of the claim limitations. Applicant believes that a prima facie case of obviousness cannot be maintained, because the references, whether alone or in combination, fail to teach or suggest all claimed

features, and there is no suggestion nor motivation to modify the references in a manner that would result in Applicant's claimed invention.

Claim 1 recites a system for partitioning and loading data. The system includes a general computing subsystem, a modem computing subsystem, a first clock, a second clock, and a shared memory.

Support for the claimed structure is found throughout Applicant's Specification, as filed. In particular, FIG. 1 and FIG. 3 expressly illustrate distinct clock signals originating at each of the general computing subsystem and the modem computing subsystem. FIG. 3 further details first clock signals generated in the PMU 205 within the general computing subsystem 102 and second clock signals generated in the clock/power control unit 230 of the modem computing subsystem 104. Further, the Specification, at page 7, paragraph [0027], states: "The general computing subsystem 102 uses the control registers 216 to signal a clock/power control unit 230 to supply the clocks 120-122 to the shared memory module 108...."

This claimed structure is not taught nor suggested by Guterman or Nguyen, whether alone or in combination. Guterman fails to describe separate clocks used by the general computing system and the modem computing system for accessing shared memory and fails to describe the general computing system selectively activating any clock to a shared memory module.

Nguyen shows a single clock signal (SHARED CLK) being used to access shared memory (PRAM). As noted by the Examiner, Nguyen states: "Logic gate 332, which is preferably a logical OR gate, is provided to ensure that gate 312 is disabled only if both subsystems have disabled the shared PRAM 132. Otherwise, the clock signal SHARED CLK continues to be driven so that the active subsystem can still access the shared PRAM." *Nguyen*, at Col. 7, ll. 16-21. Thus, Nguyen describes a single clock signal (SHARED CLK) for shared memory (PRAM) which can selectively remain active based on whether one of the subsystems accessing the shared memory is active. Nguyen fails to teach or suggest separate clock signals used by separate subsystems.

Claim 1 is believed to be allowable at least for the reason that Guterman or Nguyen, whether alone or in combination, fail to teach or suggest every claimed feature. Applicant respectfully requests reconsideration and allowance of claim 1.

Claim 7 recites a portable wireless communication device. The device includes nonvolatile memory, a general computing subsystem, and a modem computing subsystem. The device also includes "a first shared memory module independently accessible by the general computing subsystem and the modem computing subsystem, the first shared memory module being selectively enabled and disabled by the general computing subsystem, and wherein a first binary image is loaded in the first shared memory module from the nonvolatile memory by the general computing subsystem when selectively enabled, and *the first binary image loaded in the first shared memory module is accessed by the modem computing system to configure the modem computing subsystem.*" (*emphasis added*).

Claim 7 features general computing subsystem loading a binary image loaded into a shared memory module from nonvolatile memory and the modem computing subsystem accessing the binary image to configure the modem computing system. This is described, generally, in Applicant's Specification, at page 9, paragraph [0036]. As described in paragraph [0024], boot code for both the general computing subsystem and the modem computing subsystem are stored in nonvolatile memory.

The general computing subsystem loads the shared memory module with the boot code. The modem computing subsystem accesses the shared memory module to, for example, boot and enter and maintain the slotted paging mode. *See, Specification*, at paragraph [0036].

Neither Guterman nor Nguyen describe a first computing subsystem loading binary images from nonvolatile memory to shared memory that are accessed and used by a second computing subsystem to configure it.

Guterman fails to describe nonvolatile memory, and fails to describe any binary image being transferred from nonvolatile memory to shared memory for use by a modem computing subsystem. Nguyen also fails to describe the claimed binary image transfer. In Nguyen, each computing subsystem has its own nonvolatile memory. *See, Nguyen*, FIG. 1, REF. 12 and 22.

Nguyen states: "The ROMs 12, 22, are non-volatile memories coupled to the corresponding instruction buses P1, P2. The ROMs preferably store boot-up software for initializing the subsystems." *Nguyen*, at Col. 4, ll. 6-9. Nguyen fails to describe the nonvolatile memory as containing any information that can be used to configure any subsystem other than the one with which it is associated. Furthermore, Nguyen fails to teach or even suggest that any information stored in the nonvolatile memories is ever transferred to shared memory. In

contrast, Nguyen states that the nonvolatile memory is coupled to *instruction buses*. Nguyen fails to teach or suggest how any information coupled via an instruction bus can be transferred as a binary image to shared memory.

Therefore, claim 7 is believed to be allowable at least for the reason that Guterman or Nguyen, whether alone or in combination, fail to teach or suggest every claimed feature. Applicant respectfully requests reconsideration and allowance of claim 7.

Claims 2-6 and 8-12 depend, either directly or indirectly from one of claims 1 or 7 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration and allowance of claims 2-6 and 8-12.

<u>CONCLUSION</u>

In view of the foregoing, it is respectfully submitted that the application and all of the claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If there are any fees due in connection with the filing of this response, please charge such fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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